



N #4 PATENT
ATTORNEY DOCKET: 031727.0001A
(FORMERLY 66229.0108)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:)
)
Michael Z. MARTIN et al.) Group Art Unit: 1651
)
Application Number: 09/578,849) Examiner: Not yet known
)
Filed: May 26, 2000)
)
For: PHARMACEUTICAL PREPARATIONS OF BIOACTIVE SUBSTANCES
EXTRACTED FROM NATURAL SOURCES

**REQUEST FOR EXTENSION OF TIME, RESPONSE TO NOTICE TO
FILE MISSING PARTS OF NONPROVISIONAL APPLICATION AND
SUBMISSION OF STATEMENT CLAIMING SMALL ENTITY**

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR EXTENSION OF TIME

Applicants respectfully request a five-month extension of time under 37 C.F.R. § 1.136(a) for responding to the Notice to File Missing Parts of Nonprovisional Application – *filing date granted* mailed September 22, 2000 in the above-captioned patent application. Accordingly, please extend the period within which to file a response up to and including April 22, 2001.

**RESPONSE TO NOTICE TO FILE MISSING PARTS AND
SUBMISSION OF STATEMENT CLAIMING SMALL ENTITY**

In response to the attached copy of the Notice to File Missing Parts of Nonprovisional Application – *filing date granted* mailed September 22, 2000, the period for response to which having been extended five months up to and including April 22, 2001, applicants are submitting herewith the executed Declaration and Power of Attorney for Patent Application for filing in the above-captioned application.

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Applicants are also submitting herewith an executed Statement Claiming Small Entity as a small business concern in the name of Armadillo Pharmaceuticals for filing in the above-captioned application. Accordingly, submission of the Statement Claiming Small Entity is believed to entitle applicants to pay reduced fees in accordance with U.S. Patent and Trademark Office rules.

A check in the amount of \$2,327.00 is attached to cover the fees for a small entity as calculated below:

Basic Filing Fee	\$355.00
Claims in excess of 20	522.00
Excess Independent claims	440.00
Surcharge – Late Filing Fee	65.00
Five-month Extension of Time	<u>945.00</u>
TOTAL AMOUNT ENCLOSED	\$2,327.00

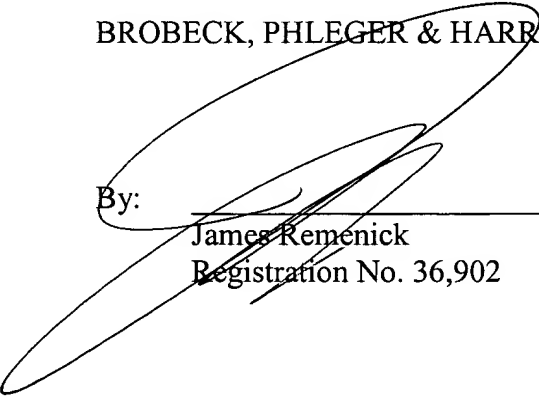
In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: April 20, 2001
Brobeck, Phleger & Harrison LLP
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By:


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Registration No. 36,902



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/578,849	05/26/2000	Michael Z. Martin	66229.0108

A circular black ink stamp. The outer ring contains the text "O I P E" at the top and "PATENT & TRADEMARK OFFICE" at the bottom. In the center, the date "APR 20 2001" is stamped. The stamp is slightly tilted.

OC000000005418703

Date Mailed: 09/22/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1902.
 - **\$1044** for **58** total claims over 20.
 - **\$858** for **11** independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2722.**

*A copy of this notice **MUST** be returned with the reply.*

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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